

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

LEWIS COSBY,	)	
ERIC MONTAGUE, and	)	
MARTIN ZIESMAN, as Co-Trustee for the	)	
Carolyn K. Ziesman Revocable Trust,	)	
on behalf of themselves and	)	
all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No.: 3:16-CV-121-TAV-DCP
	)	
KPMG, LLP,	)	
	)	
Defendant.	)	

**ORDER**

This civil action is before the Court on plaintiffs’ Motion in Limine Pursuant to FRE 803(8) [Doc. 215]. Plaintiffs ask the Court “to admit the charges, factual findings, conclusions and/or opinions of the United States Securities and Exchange Commission” in several documents they attach as exhibits [*Id.* p. 1]. At the time of filing the motion, no depositions had been taken in the case [Doc. 216 p. 1]. Plaintiffs state a ruling would provide “a roadmap as to how to proceed first with depositions and then summary judgment” [*Id.* p. 2]. Plaintiffs additionally request oral argument on the motion [Docs. 215, 216]. The Court finds this motion is premature, and the Court declines to resolve the issue at this time. The parties will be afforded the opportunity to have oral

argument on motions in limine at the final pretrial conference. The motion [Doc. 215] is therefore **DENIED** with leave to refile closer to trial.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE